

**Iowa Department of Natural Resources  
Natural Resource Commission**

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**ITEM**

**8**

**DECISION**

**TOPIC**      Notice of Intended Action - 571 Iowa Administrative Code chapter 7,  
Rules of Practice in Contested Cases

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The Commission is asked to approve the attached draft Notice of Intended Action to rescind 571 Iowa Administrative Code (IAC) chapter 7, “Rules of Practice in Contested Cases”, and to adopt by reference a new version of chapter 7. The new version of chapter 7 has been adopted at 561 IAC chapter 7 (the Director’s rules). These rules would make the Department’s rules and the Commission’s procedural rules for contested cases the same.

On September 27, 2006, a Notice of Intended Action was published in the Iowa Administrative Bulletin to rescind the Department’s rules, 561 IAC chapter 7, and to adopt a new version of chapter 7. The new version of 561 IAC chapter 7 addresses procedural issues that have arisen in the past on a recurring basis. It also clarifies the procedural practices of the Department.

No comments were received regarding the Director’s Notice of Intended Action. In addition to the Department’s legal staff, the new version of chapter 7 was reviewed by an administrative law judge from the Department of Inspections and Appeals, and by group of volunteer attorneys who are members of the Iowa State Bar Association.

An Adopted and Filed Notice for 561 IAC chapter 7 was published in the Iowa Administrative Bulletin on January 31, 2007, and the new version of 561 IAC chapter 7 became effective on March 7, 2007.

Kelley Myers,  
Legal Services Bureau  
June 5, 2007

Attachments - Proposed Rules, 571 Iowa Administrative Code Chapter 7

# NATURAL RESOURCE COMMISSION [571]

## Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 17A.3 and 455A.5, the Natural Resource Commission of the Department of Natural Resources hereby gives Notice of Intended Action to rescind 571 Iowa Administrative Code (IAC) chapter 7, “Rules of Practice in Contested Cases”, and to adopt a new chapter 7 with the same title. The new version of chapter 7 has been adopted at 561 IAC chapter 7 (the Director’s rules).

This proposed rulemaking adopts by reference the new version of 561 chapter 7 that became effective March 7, 2007. On September 27, 2006, a Notice of Intended Action was published in the Iowa Administrative Bulletin, as ARC #5385B, to rescind 561 IAC chapter 7 and to adopt a new version of chapter 7. No comments were received, and the Adopted and Final Notice was published in the Iowa Administrative Bulletin on January 31, 2007, as ARC 5693B.

The new version of 561 IAC chapter 7 addresses procedural issues that have arisen in the past on a recurring basis. It also clarifies the procedural practices of the department. The new version of chapter 7 was reviewed by an administrative law judge from the Department of Inspections and Appeals, and by group of volunteer attorneys who are members of the Iowa State Bar Association.

Any interested persons may make written suggestions or comments regarding the proposed rule on or before (date). Written comments should be directed to Anne Preziosi, Department of Natural Resources, Air Quality Bureau, 7900 Hickman, Urbandale, Iowa 50322; telephone (515)281-6243; fax (515)242-5094. Requests for a public hearing regarding this rule making must be submitted in writing to the above address by that date. These rules are intended to implement Iowa Code section 455A.5.

The following amendments are proposed.

### CHAPTER 7

#### RULES OF PRACTICE IN CONTESTED CASES

[Prior to 9/7/88, see Water, Air and Waste Management[900] Ch 7]

**571—7.1(17A) Adoption by reference.** The commission adopts by reference 561—Chapter 7, Iowa Administrative Code.

These rules are intended to implement Iowa Code sections 17A.3 and 17A.12 to 17A.18.